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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,601	01/09/2002	David John Weaver	RCA 88813	6446

7590 09/23/2005
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EXAMINER

PARTHASARATHY, PRAMILA

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/030,601

Applicant(s)

WEAVER ET AL.

Examiner

Pramila Parthasarathy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/02 & 6/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the communication filed on June 11, 2003. Claims 1 – 11 are pending.

2. Two initialed and dated copies of Applicant's IDS form 1449 are attached to the Office action.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Item # 100 is not shown in Fig. 1 and item # 200 is not shown in Fig. 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: I C card to facilitate downloading content.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 7 recites the limitation "the encrypted" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 – 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Chan et al. (U.S. Patent Number 6,233,683).

7. Regarding Claim 1, Chan teaches broadcasting content from a server (Column 3 lines 38 – 45 and Column 12 lines 14 – 53);

verifying that an entitlement contained in the integrated circuit card is correct for operatively receiving the content (Column 3 lines 38 – 45 and Column 12 lines 14 – 46);

receiving and handling the content from the server via the terminal (Column 3 lines 38 – 45 and Column 12 lines 14 – 67).

8. Regarding Claim 10, Chan teaches a terminal, coupled to the server, having a processor for processing the download of the content from the server, a memory for receiving the downloaded content and an integrated circuit card interface circuit (Column 3 lines 38 – 45; Column 4 line 52 – Column 5 line 51 and Column 12 lines 14 – 53);

an integrated circuit card, coupled to said interface circuit, for providing an entitlement message enabling said terminal to download the content from a server (Column 3 lines 38 – 45 and Column 12 lines 14 – 53).

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9. Claim 2 is rejected applied as above in rejecting Claim 1. Furthermore, Chan teaches wherein the content is a software application (Column 3 lines 7 – 45; Column 6 lines 54 – 61 and Column 12 line 54 – Column 13 line 18).

10. Claim 3 is rejected applied as above in rejecting Claim 1. Furthermore, Chan teaches wherein the content is multimedia content (Column 5 lines 17 – 51).

11. Claim 4 is rejected applied as above in rejecting Claim 1. Furthermore, Chan teaches wherein the integrated circuit card contains preloaded entitlements authorizing said handling of the content (Column 5 line 52 – Column 6 line 19).

12. Claim 5 is rejected applied as above in rejecting Claim 1. Furthermore, Chan teaches wherein at least one said entitlement is loaded into the integrated circuit card from the server (Column 8 lines 10 – 54).

13. Claim 6 is rejected applied as above in rejecting Claim 1. Furthermore, Chan teaches wherein the content is reusable and further comprising storing the content for potential reuse and verifying that said entitlement is correct when reuse the content is attempted (Column 11 lines 15 – 37).

14. Claim 8 is rejected applied as above in rejecting Claim 1. Furthermore, Chan teaches updating an entitlement database on said integrated circuit card after an entitlement is used to download said reusable content (Column 7 line 51 – 65).

15. Claim 9 is rejected applied as above in rejecting Claim 1. Furthermore, Chan teaches downloading an entitlement for a desired content; and storing said downloaded entitlement into said integrated circuit card (Column 3 lines 7 – 45; Column 6 lines 54 – 61 and Column 12 line 54 – Column 13 line 18).

16. Claim 11 is rejected applied as above in rejecting Claim 1. Furthermore, Chan teaches wherein said integrated circuit card comprises an entitlement database containing a plurality of entitlements (Column 3 lines 7 – 45; Column 6 lines 54 – 61 and Column 12 line 54 – Column 13 line 18).

17. Claim 7 is rejected applied as above in rejecting Claim 6. Furthermore, Chan teaches decrypting the encrypted reusable content from the server as a function of the entitlement (Column 12 lines 14 – 53).

Conclusion

18. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO Form 892.

Applicant is urged to consider the references. However, the references should be evaluated by what they suggest to one versed in the art, rather than by their specific disclosure. If applicants are aware of any better prior art than those are cited, they are required to bring the prior art to the attention of the examiner.


20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m.. If attempts

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to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-232-3795. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy
September 16, 2005.


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100